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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,563	03/30/2004	Jun Yamagishi	44471/299187	3660
23370 7590 12/29/2006 JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET ATLANTA, GA 30309			EXAMINER MORROW, JASON S	
			ART UNIT	PAPER NUMBER
			3612	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/29/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/812,563

Applicant(s)

YAMAGISHI ET AL.

Examiner

Jason S. Morrow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 is/are allowed.
- 6) ☒ Claim(s) 13-15, 18 and 19 is/are rejected.
- 7) ☒ Claim(s) 16 and 17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/3/06, 11/22/05, 3/30/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 18 recites the limitation "a second recess" in line 2. There is insufficient antecedent basis for this limitation in the claim. The limitation implies that there is a first recess, but none is claimed in claim 18 or claim 13 from which it depends.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe (US Patent 5,809,696).

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Re claim 13, Watanabe discloses an opening and closing device for vehicle for opening and closing an opened and closed body by using a cable (10) connected to the opened and closed body (5) which is movably attached to a vehicle body comprising a base bracket (33) fixed to the body, a motor (11) fixed to a disposition face of the base bracket, a transmission fixed to the disposition face of the base bracket and changing number of the revolutions of the motor (see column 2, lines 24-27), a rotary drum (12) supported with a shaft in the central portion of the disposition face of the base bracket, and winding one part of the cable thereon and feeding another part of the cable therefrom at the same time by the rotation of the motor outputted from the transmission, a first conduit (the conduits 9 are shown in figure 3) fixed portion fixed to a first end portion of the disposition face of the base bracket and slideably passing the cable therethrough, a second conduit fixed portion fixed to a second end portion of the disposition face of the base bracket and slidably passing the cable therethrough, a first tension controller (14) fitted between the rotary drum and the first conduit fixed portion and applying tension to the cable fed from the rotary drum, based on the rotation in a first direction of the rotary drum, and a second tension controller (13) fitted between the rotary drum and second conduit fixed portion and applying tension to the cable fed from the rotary drum, based on the rotation in a second direction of the rotary drum.

Re claim 19, Watanabe discloses an opening and closing device for a vehicle for opening and closing an opened and closed body by using a first cable (connected at 30 in figure 2) and a second cable (connected at 30 in figure 2) connected to the opened and closed body which is movably attached to a vehicle body, comprising a base bracket (33) fixed to the vehicle body, a motor (11) fixed to a disposition face of the base bracket, a transmission (see column 2, lines 24-

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27) fixed to the disposition face of the base bracket and changing the number of the revolutions of the motor, a rotary drum (12) supported with a shaft in the central portion of the disposition face of the base bracket, and winding one of the first cable and the second cable thereon and feeding the other of the first cable and the second cable therefrom at the same time by the rotation of the motor outputted from the transmission, a first conduit (the conduits 9 are shown in figure 3) fixed portion fixed to a first end portion of the disposition face of the base bracket and slideably passing the first cable therethrough, a second conduit fixed portion fixed to a second end portion of the disposition face of the base bracket and slideably passing the second cable therethrough, a first tension controller (14) fitted between the rotary drum and the first conduit fixed portion and applying tension the first cable fed from the rotary drum, based on the rotation in a first direction of the rotary drum, and a second tension (13) controller fitted between the rotary drum and the second conduit fixed portion and applying tension to the second cable fed from the rotary drum, based on the rotation in a second direction of the rotary drum.

Watanabe does not disclose the base bracket being fixed to the vehicle body with bolts.

The examiner takes Official Notice that the use of bolts is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to construct an opening and closing device, such as that disclosed by Watanabe, with the base bracket being fixed to the vehicle body with bolts, as is old and well known in the art, since Watanabe is silent as to how the base bracket is fixed to the vehicle body and bolts are readily available and a common method of attachment used in the automotive arts.

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7. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe (US Patent 5,809,696) in view of Watanabe et al. (US Patent 5,833,301).

Watanabe discloses all the limitations of the claims, as applied above, except for one side surface of a casing of the motor being opposed to an external peripheral face of the rotary drum in a short distance, an output shaft of the motor extending in the direction substantially perpendicular to the shaft of the rotary drum, or the base bracket having a first recess for receiving a part of the rotary drum therein.

Watanabe et al. teaches one side surface of a casing of a motor (8) being opposed to an external peripheral face of a rotary drum in a short distance (as shown in figure 1), an output shaft of a motor extending in the direction substantially perpendicular to the shaft of the rotary drum, and a base bracket having a first recess (shown in figure 2, the bottom part of the drum fits in the recess of 19) for receiving a part of the rotary drum therein

It would have been obvious to one of ordinary skill in the art at the time the invention was made to construct an opening and closing device, such as that disclosed by Watanabe, to have one side surface of a casing of the motor being opposed to an external peripheral face of the rotary drum in a short distance, an output shaft of the motor extending in the direction substantially perpendicular to the shaft of the rotary drum, and the base bracket having a first recess for receiving a part of the rotary drum therein, as taught by Watanabe et al., in order to construct the device in a manner that uses the bracket to align the working parts in a correct manner.

Allowable Subject Matter

8. Claims 1-12 are allowed.
9. Claims 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
10. Claim 18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kramer, Hamada et al., Yokomori et al., Chapman, Kita, Kinoshita et al., Yokomori, Kawanobe et al., Ichinose et al., and Sato disclose vehicle closure opening apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (571) 272-6663. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason S. Morrow
Primary Examiner
Art Unit 3612

December 23, 2006


JASON MORROW
PRIMARY PATENT EXAMINER

12/23/06